

(In The United States District Court  
For The Southern District of Texas  
Houston Division)

United States District Court  
Southern District of Texas  
FILED

JUL 24 2020

David J. Bradley, Clerk of Court

Dwight Russell, et al.,  
Plaintiffs,

vs.

Civil Action No. H-19-226

Harris County, Texas, et al.,  
Defendants.

Prospective Plaintiff's Motion to Intervene

and Consolidate Complaint / Civil Action Number

4:20-cv-02490 - Devin Paul Cole vs. Harris

County, Texas, et al., with Russell, et al., Above

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And Motion to be Added as Fourth Class

Member and Granting Class Action Certification

Under the Fourteenth Amendments Due Process

And Equal Protection Clauses

To The Honorable Lee H. Rosenthal, Presiding Chief  
United States District Judge:

Now Comes, Devin Paul Cole, pro se, Title 42  
U.S.C. § 1983, Plaintiff in case number 4:20-cv-02490  
assigned to U.S. District Judge Charles Eskridge  
on July 15<sup>th</sup>, 2020 and files this Prospective Plaintiff's  
Motion to Intervene and Consolidate Complaint/Civil  
Action Number 4:20-cv-02490 - Devin Paul Cole  
vs. Harris County, Texas, et al., with Russell, et al.,  
Above And Motion to be Added as Fourth Class  
Member and Granting Class Action Certification  
Under the Fourteenth Amendments Due Process and  
Equal Protection Clauses. In support thereof Plaintiff  
would respectfully show this Honorable Court as  
follows:

The lawsuit I recently filed is nearly identical to the Russell Suit filed in January 2019 with the exception of (COVID-19) Coronavirus issues homeless inmate issues and at least 3 inmate deaths within the Harris County Jail System since your April 14<sup>th</sup>, 2020 decision.

Since the filing fee is already paid in Russell and I am similarly situated it is my desire that the Civil Rights Attorney's Neal S. Manne, Megan Taylor Harding and Michael Gervais, and Mimi Marziani be notified of my filing and given the opportunity to bring my suit into this one. Myself and Dwight Russell, Donnie Pierson and Joseph Ortuno are all pre-trial detainees and felony arrestees not yet convicted of a crime and detained pending trial due to poverty and lack of cash money to pay a bail-bondsman.

My right hand middle finger was broken completely through about 4 weeks ago from a slip and fall accident exiting the shower. I cannot write much length wise without significant pain. In my letter to Clerk David J. Bradley and on the writ envelope containing my 1983 pro se complaint I had Attention The Honorable Lee H. Rosenthal, Presiding Chief U.S. District Judge. It was my hope they would have brought my complaint to you for you to review.

I spent a considerable amount of time preparing my complaint. Please Judge Rosenthal read and review my complaint as I came in February 27<sup>th</sup>, 2020, my complaint was meant to "bridge-the-gap in a meaningful manner" between my entrance and now and to help add substance to what you said was a sparse record.

It is my belief you should ask for a daily report of inmates at all 3 facilities, 1200, 701 and J.P.C. who are "running fever" and "when a nurse or healthcare <sup>staff</sup> records an inmates temperature." Also, the names and numbers of all inmates sent to the Texas Medical Center due to "running fever or high temperature." The number of inmates isolated in lock-down cells, infirmary cells, Ben Taub Hospital or LBJ Hospital because of (COVID-19) Coronavirus. The Defendant's are concealing intentionally this information from the Court.

Mr. Sisman founder of Sisman and Godfrey Law Firm, God Be With him, a Legal Genius died around June 26<sup>th</sup>, 2020 after contracting (COVID-19) Coronavirus at a hospital in the Texas Medical Center where he was receiving treatment/ICU/Care for Traumatic Brain Injuries.

I find it hard to believe that inmate deaths and infections are not increasing substantially when

every corner of the globe, U.S. Texas, Harris Co. City of Houston, deaths and infections are on the rise like never before. The 3<sup>rd</sup> inmate death was reported around May 7<sup>th</sup>, 2020, then all of a sudden. No more deaths. Someone made the Houston Chronicle Reporters and news reporters on Television keep quiet I believe. What else can explain the sudden lack of investigative reporting? Government corruption is what I suspect.

### (Prayer for Relief)

Wherefore, Premises Considered, Plaintiff prays that the Court grant him the relief to which he may be entitled in these proceedings.

Plaintiff additionally prays for such further relief to which law, federal law, justice and the Constitution may so require for equal protection of the laws to the homeless and extremely poor.

("Executed and Sworn to on this 21<sup>st</sup> day of July, 2020.")

Respectfully Submitted,  
Devin Paul Cole

Devin Paul Cole

SPN# 02145549

Plaintiff / Prospective Class

Member - U.S.C.A. 5, 8  
and 14.

## (Unsworn Declaration by Inmate)

"I, Devin Paul Cole, SPN# 02145549, an inmate confined in the Harris County Jail in Harris County (Houston) Texas, declare under penalty of perjury that the above and forgoing Prospective Plaintiff's Motion to Intervene and Consolidate Complaint Civil Action Number 4:20-cv-02490 - Devin Paul Cole vs. Harris County, Texas, et al., with Russell, et al., Above And Motion to be Added as Fourth Class Member and Granting Class Action Certification Under The Fourteenth Amendments Due Process and Equal Protection Clauses and the factual allegations contained in same are in all things true and correct."

"Executed and Sworn to on this 21<sup>st</sup> day of July, 2020."

Devin Paul Cole  
Devin Paul Cole  
# 02145549



July 21<sup>st</sup>, 2020

Mr. David J. Bradley  
Clerk of Court  
P.O. Box 61010  
Houston, Texas 77208

Devin P. Cole  
SPN# 02145549  
Harris County Jail  
1200 Baker Street  
Houston, Texas 77002

\* Re: Civil Action No. H-19-226; Dwight Russell, et al., vs. Harris County, Texas, et al., Defendants. and the prompt filing of:

\* Prospective Plaintiff's Motion to Intervene and Consolidate Complaint / Civil Action # 4:20-cv-02490 - Devin Paul Cole vs. Harris County, Texas, et al., with

Action Certification Under The Fourteenth  
Amendments Due Process and Equal Prot-  
ection Clauses.

Dear Clerk Bradley,

Please find enclosed my above and  
forgoing motion to be filed with your office  
and Chief U.S. Dist. Judge Lee Rosenthal's  
Court in Case # H-19-226. I am pro  
se.

Thank you for your kind assistance  
regarding this matter of legal importance  
and federal law.

Sincerely  
Devin Paul Cole  
Devin Paul Cole



**HARRIS COUNTY SHERIFF'S OFFICE JAIL**

Name: Devin Paul Cole

SPN: 08145549

Cell: 5-11-1

Street: 1200 Baker Street

HOUSTON, TEXAS 77002



United States Courts  
Southern District of Texas  
FILED

JUL 24 2020

David J. Bradley, Clerk of Court



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0000368784 JUL 22 2020

\* Mr. David J. Bradley, Clerk of Court  
\* Attention: The Honorable Lee H. Rosenthal,  
Chief United States District Judge  
Bob Casey United States Courthouse  
P.O. Box 61010, Houston, Texas 77208  
7720861010 E001

**INDIGENT**  
**FEDERAL/LEGAL**